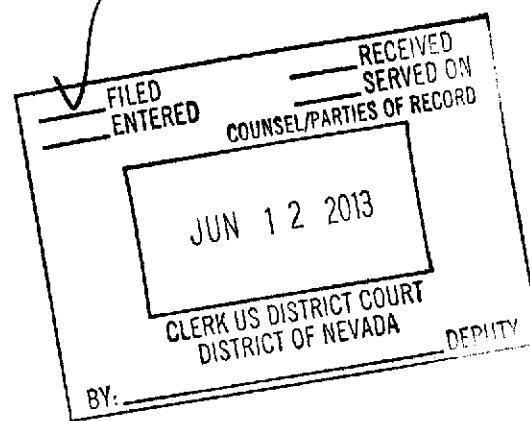


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10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 GNLV, Corp., a Nevada corporation,

13 Case No.: 2:13-cv-00943-JCM-CWH

14 Plaintiff,

15 **[PROPOSED] ORDER GRANTING**
PRELIMINARY INJUNCTION

16 v.
17 T. WARREN ENTERPRISES, INC.,
18 an Ohio corporation f/k/a GOLDEN
19 NUGGET ARCADE, INC., GREAT
20 VIBE ENTERTAINMENT, INC., an
Ohio corporation, TRACIE PASTORE,
an individual, and
YABACUSHYANEI BENNETT, an
individual

Defendants.

21 This matter having come before the Honorable James C. Mahan on June 12, 2013, Laraine
22 M.I. Burrell, of the law firm of Greenberg Traurig, LLP, appearing on behalf of plaintiff GNLV,
23 Corp. ("GNLV" or "plaintiff") and no appearance being made on behalf of defendants T. WARREN
24 ENTERPRISES, INC., f/k/a GOLDEN NUGGET ARCADE, INC., GREAT VIBE
25 ENTERTAINMENT, INC., TRACIE PASTORE, and YABACUSHYANEI BENNETT
26 (collectively "defendants"), and good cause appearing therefore, this court hereby finds and orders
27 as follows:

1 1. This court has subject matter jurisdiction pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§
2 1331 and 1338;

3 2. The court has personal jurisdiction over the defendants in that defendants committed
4 tortious acts that they knew or should have known would cause injury to plaintiff in the state of
5 Nevada;

6 3. Defendant T. Warren Enterprises was personally served via its registered agent, on
7 May 31, 2013 with the complaint in this action, summons, plaintiff's application for temporary
8 restraining order and motion for preliminary injunction and temporary restraining order entered by
9 this court on May 30, 2013;

10 4. Defendant Tracie Pastore was personally served on May 31, 2013 with the complaint in
11 this action, summons, plaintiff's application for temporary restraining order and motion for
12 preliminary injunction and temporary restraining order entered by this court on May 30, 2013;

13 5. Plaintiff, in compliance with the order of this court, filed a bond in the amount of one
14 thousand and no/100 dollars (\$1000.00) on June 11, 2013.

15 6. Plaintiff GNLV, Corp., a Nevada corporation with its principal place of business in Las
16 Vegas, Nevada operates the Golden Nugget resort hotel casino in Las Vegas, Nevada. GNLV owns
17 the mark GOLDEN NUGGET (the "GNLV marks") and has obtained federal registrations for the
18 GNLV marks for various goods and services, including but not limited to:

19 (a) GOLDEN NUGGET for casino and bar services (U.S. reg. no. 1,554,155);
20 (b) GOLDEN NUGGET for nightclub, bar, cabaret and casino services (U.S. reg.
21 no. 1,082,044);
22 (c) GOLDEN NUGGET for casino services (U.S. reg. no. 1,203,988); and
23 (d) GOLDEN NUGGET for hotel and resort hotel services (U.S. reg. no.
24 2,240,084).

25 7. Defendants have used the GOLDEN NUGGET mark in connection with its gaming
26 services and a brick and mortar casino located in Canton, Ohio without plaintiff's authority or
27 permission;

28 ///

8. Plaintiff GNLV will suffer irreparable injury if the court does not require the defendants to cease and desist its use of GNLV's marks.

3 9. Plaintiff has demonstrated likelihood of success on the merits of its mark
4 infringement claims against defendants under the Lanham Act, 15 U.S.C. § 1114, and Nevada law;
5 and

6 10. Plaintiff has demonstrated likelihood of success on the merits of its unfair
7 competition claims against defendants under the Lanham act, 15 U.S.C. § 1125(a).

8 IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that GNLV's motion for
9 preliminary injunction is hereby GRANTED.

IT IS FURTHER ORDERED that defendants will immediately cease and desist any and all use of plaintiff's name and trademarks and any and all variants thereof;

12 IT IS FURTHER ORDERED that defendants shall file, pursuant to 15 U.S.C. § 1116(a), with
13 this court and serve upon plaintiff within thirty (30) days after entry of this order, a report in writing
14 under oath setting forth in detail the manner and form in which defendants have complied with this
15 court's order; and

IT IS FURTHER ORDERED that the bond posted with this court in the amount of one hundred and no/100 dollars (\$100.00) shall be applied to this preliminary injunction.

X *Deecey Maha*
UNITED STATES DISTRICT JUDGE
Dated: June 12, 2013
Time: _____

1 Respectfully submitted by:

2 GREENBERG TRAURIG, LLP

3 

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